

R. Exh. 2



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 29
Two Metro Tech Center
Suite 5100
Brooklyn, NY 11201-3838

Agency Website: www.nlr.gov
Telephone: (718)330-7713
Fax: (718)330-7579

October 7, 2015

Ed Heany, Senior Regional Director
USIC LLC
100 Marcus Boulevard
Hauppauge, NY 11788

COMMUNICATION WORKERS OF AMERICA LOCAL 1101
275 7th Ave Fl 17
New York, NY 10001-6708

Re: Premier Utility Services, LLC, a wholly
owned subsidiary of USIC Locating
Services, LLC
Case 29-RC-159452

Dear Mr. Heany:

This letter will confirm the details of an election arranged in the above matter pursuant to the Regional Director's Decision and Direction of Election. It also provides information about submitting the voter list and posting the election notices.

Please be advised that in a mail ballot election, the election begins when the mail ballots are deposited by the Region in the mail.

Election Arrangements

The arrangements for the election in this matter are as follows:

Date Parties Must Advise Regional Office of Additions to Voter Eligibility List:
October 16, 2015

Date and Time Mail Ballots to be Sent to Voters: October 20, 2015 by 5:00 pm

Date Voters Are Requested to Notify Regional Office if Mail Ballot Not Received or Replacement Ballot Is Needed: October 27, 2015

Date Mail Ballots From Voters Must Be Received by Regional Office:
November 4, 2015

Date, Time and Place of Ballot Count: The ballot count will be held on November 5, 2015 at 11:00 am at the Region 29 Office, Two MetroTech Center, Brooklyn, New York, 11201.

Representatives of the parties are invited to attend and observe the ballot count at which time they must voice any challenges to any of the ballots.

To make it administratively possible to have election notices and ballots in a language other than English, please notify the Board agent immediately if that is necessary for this election. Also, if special accommodations are required for any voters, potential voters, or election participants to vote or reach the voting area, please tell the Board agent as soon as possible.

Voter List

The Employer must provide the Regional Director and parties an alphabetized list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters, **accompanied by a certificate of service** on all parties.

To be timely filed and served, the list must be *received* by the Regional Director and the parties by **October 9, 2015**. **The region will no longer serve the voter list.** The Employer's failure to file or serve the list within the specified time or in the proper format is grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list in the specified time or in the proper format if it is responsible for the failure.

The list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the Employer must electronically file the list with the Regional Director and electronically serve the list on the other parties. Electronic filing of the list with the NLRB through the Agency website is preferred but not required. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. The list also may be submitted to our office by email or fax to (718)330-7579. The burden of establishing the timely filing and receipt of the list is on the sending party.

Posting of Election Notices

Notices of Election will be electronically transmitted to the parties, if feasible, or by overnight mail if not feasible. Section 102.67(k) of the Board's Rules and Regulations requires the Employer to timely post copies of the Board's official Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted. You must also distribute the Notice of Election electronically to any employees in the unit with whom you customarily communicate electronically. In this case, the notices must be posted and distributed **before 12:01 a.m. on Thursday, October 15, 2015**. Pursuant to Section 102.67(k),

a failure to post or distribute the notice precludes an employer from filing objections based on nonposting of the election notice.

Enclosed is a Description of Election and Post-Election Procedures in Representation Cases, Form NLRB-5547, which describes the election and the method for handling challenges as well as post-election proceedings to deal with determinative challenges and any objections that are filed.

If there are any questions, please feel free to contact Field Attorney KIMBERLY WALTERS at telephone number (718) 330-2844 or by email at kimberly.walters@nlrb.gov. The cooperation of all parties is sincerely appreciated.

Very truly yours,

A handwritten signature in dark ink, appearing to read "James G. Paulsen", followed by a stylized flourish or initial.

JAMES G. PAULSEN
Regional Director

Enclosure: Designation of Observer Form

cc: Cynthia K. Springer, Esquire
Faegre Baker Daniels LLP
300 N MERIDIAN ST STE 2700
INDIANAPOLIS, IN 46204-1750

Bruce Cooper, ESQ., Attorney
Pitta Giblin LLP
120 Broadway
28th Floor
New York, NY 10271

DESIGNATION OF OBSERVER(S)

Re: Premier Utility Services, LLC, a wholly
owned subsidiary of USIC Locating
Services, LLC
Case 29-RC-159452

Premier Utility Services, LLC, a wholly owned subsidiary of USIC Locating Services, LLC,
hereby designates the individual listed below to act as its observer during the election in the
above case.

Observer's Name	Observer's Job Title
1.	

I certify that each of the above-named individuals is an employee of the Employer and is not a
supervisor within the meaning of Section 2(11) of the Act.

Premier Utility Services, LLC, a wholly owned subsidiary of USIC
Locating Services, LLC

(Name of Party)

By: _____
(Signature)

(Representative Name: Print or Type)

(Representative Title)

(Date)

Note: Board law prohibits any statutory supervisor from serving as an election observer. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

DESIGNATION OF OBSERVER(S)

Re: Premier Utility Services, LLC, a wholly
owned subsidiary of USIC Locating
Services, LLC
Case 29-RC-159452

PETITIONER COMMUNICATION WORKERS OF AMERICA LOCAL 1101 hereby
designates the individual listed below to act as its observer during the election in the above case.

Observer's Name	Observer's Job Title
1.	

I certify that each of the above-named individuals is an employee of the Employer and is not a supervisor within the meaning of Section 2(11) of the Act.

COMMUNICATION WORKERS OF AMERICA LOCAL 1101

(Name of Party)

By: _____

(Signature)

(Representative Name: Print or Type)

(Representative Title)

(Date)

Note: Board law prohibits any statutory supervisor from serving as an election observer. Section 2(11) of the National Labor Relations Act states: "The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

**DESCRIPTION OF ELECTION AND POST-ELECTION
REPRESENTATION CASE PROCEDURES**

Election – A secret ballot election will be conducted by an agent of the National Labor Relations Board on the date and at the time(s) and location(s) specified in the Notice of Election. Unless the election is conducted by mail ballot, each party is usually represented by an equal number of observers at the polls during the election. When a voter appears to vote, the voter is asked to state his or her name and is given a ballot to take to a voting booth and mark in secret. The voter folds the marked ballot and then drops it into a ballot box without showing the marking to anyone. Parties or the Board agent may challenge for good cause the eligibility of a voter to participate in the election. A challenged voter will place his or her ballot in a special envelope before placing it in the ballot box. After the time for voting has concluded but before counting the ballots, the Board agent will see if the parties can agree to resolve some or all of the challenges. The Board agent will then count the ballots and prepare a Tally of Ballots and make that Tally available to the parties. If the unresolved challenged ballots will not determine the outcome of the election, the challenged ballots are never opened and no determination is made on the voters' eligibility. If the remaining challenged ballots are determinative of the results of the election, those challenged ballots will be sealed in a special envelope in front of the parties and stored in a safe in an NLRB office.

Challenged Ballots – If the challenged ballots are determinative, the regional director will send a letter to the parties after the election, listing the challenged voters and asking the parties to submit a statement of position with respect to the challenge to the ballot of each voter listed above detailing why each of the challenged individuals is or is not eligible to vote. The regional director will then determine whether it is necessary to conduct an investigation or schedule a hearing to resolve the determinative challenges.

Objections – Within 7 days after the Tally of Ballots has been prepared, any party may file objections to the conduct of the election or to conduct affecting the results of the election. The objections must be submitted within this time frame, regardless of whether the challenged ballots are sufficient in number to affect the results of the election. The objections must contain a short statement of the reasons for the objections and be accompanied by a written offer of proof identifying each witness the party would call to testify concerning the issue and summarizing the witness's testimony. Upon a showing of good cause, the regional director may extend the time for filing the offer of proof. The party filing the objections will serve a copy of the objections, but not the written offer of proof, on each of the other parties to the case, and include a certificate of service with the objections. The objections may be E-Filed through the Agency's E-Filing system. Objections may also be submitted by facsimile transmission, but the filer must also file an original for the Agency's records.

Certification in the Absence of Objections, Determinative Challenges, and Runoff Elections -- If no timely objections are filed, no runoff election is required to be held, and the challenged ballots are insufficient in number to affect the results of the election, the regional director will issue a certification of the results of the election, including certification of representative where appropriate.

Regional Office Investigation and Decisions without a Hearing -- A Board agent may be assigned to conduct an administrative investigation of determinative challenges and objections. If the regional director determines that the evidence described in the offer of proof would not constitute grounds for setting aside the election if introduced at a hearing, and the regional director determines that any determinative challenges do not raise substantial and material factual issues, the regional director will issue a decision disposing of the objections and determinative challenges, and a certification of the results of the election, including certification of representative where appropriate.

Notices of Hearing on Challenges and/or Objections -- The regional director will schedule the hearing on challenges and/or objections 21 days after the preparation of the tally of ballots or as soon as practicable thereafter, unless the parties agree to an earlier date. In some cases, the regional director may consolidate the hearing concerning

objections and challenges with an unfair labor practice proceeding before an administrative law judge. In any proceeding involving a consent election where the representation case has been consolidated with an unfair labor practice proceeding for hearing, the administrative law judge will, after issuing a decision, sever the representation case and transfer it to the regional director for further processing. If there was no consent election, the administrative law judge's recommendations on objections and/or challenges that have been consolidated with an unfair labor practice proceeding will be ruled upon by the Board if exceptions are filed or adopted in the absence of exceptions.

Voluntary Resolution -- An objecting party may wish to withdraw its objections. The withdrawal may be oral or written. When objections are withdrawn, the regional director may issue the appropriate certification. If the parties agree to set aside the election and conduct a new one, the Board agent will prepare a written agreement for their signature and approval by the regional director. Agreement of the objecting party is not required.

Hearing on Challenges and/or Objections -- The hearing will continue from day to day until completed unless the regional director concludes that extraordinary circumstances warrant otherwise. Any party will have the right to appear at the hearing in person, by counsel, or by other representative, to call, examine, and cross-examine witnesses, and to introduce into the record evidence of the significant facts that support the party's contentions and are relevant to the objections and determinative challenges that are the subject of the hearing. Post-hearing briefs may be filed only upon special permission of the hearing officer and within the time and addressing the subjects permitted by the hearing officer.

Hearing Officer's Report and Exceptions -- After the hearing, the hearing officer will prepare and serve on the parties a report resolving questions of credibility and containing findings of fact and recommendations as to the disposition of the post-election issues. Within 14 days from the issuance of that report, any party may file with the regional director exceptions to that report and a supporting brief if desired. A copy of the exceptions and any supporting brief must immediately be served on the other parties and a statement of service filed with the regional director. Within 7 days from the last date on which exceptions and any supporting brief may be filed, or such further time as the regional director may allow, a party opposing the exceptions may file an answering brief. A copy of the answering brief must immediately be served on the other parties and a statement of service filed with the regional director. Thereafter, the regional director will decide the matter or make other disposition of the case. If no exceptions to the hearing officer's report are filed, the regional director may decide the matter upon the record or make other disposition of the case. The decision of the regional director will be final unless a request for review is granted by the Board.

Briefs in support of exceptions and answering briefs may not exceed 50 pages, excluding the subject index and table of cases and authorities, unless permission is obtained from the regional director by motion, setting forth the reasons for exceeding the limit, filed not less than 5 days (including Saturdays, Sundays, and holidays) before the date the brief is due. If a brief filed exceeds 20 pages, it must contain a subject index with page references and an alphabetical table of cases and authorities. All documents filed with the regional director must be double spaced and on 8 ½ by 11-inch paper, and be printed or otherwise legibly duplicated.

Request For Review by the Board -- In stipulated and directed election cases, any party may request Board review of the regional director's post-election decision. The request for review must be filed with the Board within 14 days of the director's post-election decision and must be served on the regional director and the other parties. This may be combined with a request for review of the regional director's decision to direct an election. A statement of service must also be filed with the Board. Any party opposing the request for review may file a statement in opposition within 7 days after the last day for which the request for review must be filed. If the Board grants the request for review, the parties have 14 days from the order granting review to file briefs with the Board. A party seeking review must identify a significant, prejudicial error or some other compelling reason for Board review.



United States of America
National Labor Relations Board
NOTICE OF ELECTION



INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL

PURPOSE OF ELECTION: This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. (See VOTING UNIT in this Notice of Election for description of eligible employees.) A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

SECRET BALLOT: The election will be by secret ballot carried out through the U.S. mail under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Employees eligible to vote will receive in the mail *Instructions to Employees Voting by United States Mail*, a ballot, a blue envelope, and a yellow self-addressed envelope needing no postage.

ELIGIBILITY RULES: Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are not eligible to vote.

CHALLENGE OF VOTES: An agent of the Board or an authorized observer may question the eligibility of a voter. Such challenge must be made at the time the ballots are counted.

AUTHORIZED OBSERVERS: Each party may designate an equal number of observers. This number to be determined by the authorized observers (a) act as checkers at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.

MEETING AND DATE OF ELECTION

The election will be conducted by United States mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit. On Tuesday, October 20, 2015, ballots will be mailed to voters from the National Labor Relations Board, Region 29, Two Metro Tech Center, Suite 5100, Brooklyn, NY 11201-3838. Voters must sign the outside of the envelope in which the ballot is returned. Any ballot received in an envelope that is not signed will be automatically void.

Those employees who believe that they are eligible to vote and did not receive a ballot in the mail by Tuesday, October 27, 2015 should communicate immediately with the National Labor Relations Board by either calling the Region 29 Office at (718)330-7713 or our national toll-free line at 1-866-667-NLRB (1-866-667-6572).

All ballots will be commingled and counted at the Region 29 Office on Thursday, November 5, 2015 at 11:00 a.m. In order to be valid and counted, the returned ballots must be received in the Region 29 Office prior to the counting of the ballots.



United States of America
National Labor Relations Board
NOTICE OF ELECTION



INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL
VOTING UNIT

EMPLOYEES ELIGIBLE TO VOTE:

Those eligible to vote are: All full-time locate technicians, locate helpers and cast iron technicians employed by Premier Utility Services, LLC, a wholly owned subsidiary of USIC Locating Services, LLC, who perform work within the five boroughs of New York City, Nassau and Suffolk Counties and the Far Rockaway peninsula who were employed by the Employer during the payroll period ending September 27, 2015.

OTHERS PERMITTED TO VOTE: At this time, no decision has been made regarding whether quality assurance coordinators and part-time locate technicians are included in, or excluded from, the bargaining unit, and individuals in those classifications may vote in the election but their ballots shall be challenged since their eligibility has not been resolved. The eligibility or inclusion of these individuals will be resolved, if necessary, following the election.

EMPLOYEES NOT ELIGIBLE TO VOTE:

Those not eligible to vote are: All guards and supervisors as defined by the Act.

SAMPLE

	<p>UNITED STATES OF AMERICA National Labor Relations Board 29-50-1594</p> <p>OFFICIAL SECRET BALLOT For certain employees of PREMIER UTILITY SERVICES, LLC, A WHOLLY OWNED SUBSIDIARY OF USIC LOCATING SERVICES, LLC</p>	
<p>Do you wish to be represented for purposes of collective bargaining by COMMUNICATION WORKERS OF AMERICA LOCAL 1101?</p>		
<p>MARK AN "X" IN THE SQUARE OF YOUR CHOICE</p>		
<p>YES</p> <div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div>		<p>NO</p> <div style="border: 1px solid black; width: 50px; height: 50px; margin: 0 auto;"></div>
<p>DO NOT SIGN THIS BALLOT. See enclosed instructions.</p> <p><small>The National Labor Relations Board does not endorse any choice in this election. Any markings that you may see on any sample ballot have not been put there by the National Labor Relations Board.</small></p>		

WARNING: This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board, and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government, and does not endorse any choice in the election.



United States of America
National Labor Relations Board
NOTICE OF ELECTION



INSTRUCTIONS TO EMPLOYEES VOTING BY U.S. MAIL

RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose representatives to bargain with your employer on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities
- In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a fair and honest election, the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:

- Threatening loss of jobs or benefits by an Employer or a Union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time where attendance is mandatory, within the 24-hour period before the mail ballots are dispatched
- Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a Union or an Employer to influence their votes

The National Labor Relations Board protects your right to a free choice.

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law.

Anyone with a question about the election may contact the NLRB Office at (718)330-7713 or visit the NLRB website www.nlrb.gov for assistance.

WARNING: This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board, and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government, and does not endorse any choice in the election.

R. Exh. 3

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

PREMIER UTILITY SERVICES, LLC)
A WHOLLY OWNED SUBSIDIARY)
OF USIC LOCATING SERVICES, LLC)
Employer,)

and)

COMMUNICATION WORKERS)
OF AMERICA, LOCAL 1101)
Petitioner.)

Case No. 29-RC-159452

**OFFER OF PROOF IN SUPPORT OF
EMPLOYER'S OBJECTION TO CONDUCT AFFECTING RESULTS OF ELECTION**

In support of the Employer's Objection to Conduct Affecting Results of Election, Premier Utility Services, LLC, a wholly owned subsidiary of USIC Locating Services, LLC, presents the following offer of proof:

1. If allowed to testify, each of the following fifty-five (55) eligible voters will testify that he completed a mail ballot in the above-captioned matter and mailed it in the Region 29-provided envelope using the services of the United States Postal Service in sufficient time for the Region 29 office of the National Labor Relations Board to receive it before the scheduled November 4 ballot count and the actual November 12 mail ballot count:

- a. Michael Carty, Jr. (Suffolk)
- b. Cody Webster (Suffolk)
- c. Dave Valensisi (Suffolk)
- d. Andrew Santoriello (Suffolk)
- e. Adam Carr (Suffolk)
- f. Michael Hackett (Suffolk)
- g. Chris Joye (Suffolk)
- h. John Malloy (Suffolk)
- i. Jason Giordano (Suffolk)

j. Sean Morgan (Suffolk)
k. Ed Heaney Sr. (Suffolk)
l. Matthew Hennessy (Suffolk)
m. Billy Nicholson (Nassau)
n. Neil Cinelli (Nassau)
o. Daniel Meyer (Nassau)
p. Dennis Drinkwater (Nassau)
q. Alfonse Danille (Nassau)
r. William Crowley (Nassau)
s. Jason Hernandez (Nassau)
t. Dion Thompson (Nassau)
u. Cesar Pena (Nassau)
v. Will Magnusson (Nassau)
w. Jose Lugo (Nassau)
x. Mike Fratacci (Bronx)
y. Joseph Whitehead (Bronx)
z. Halsey Surgan (Bronx)
aa. Elijah Barrow (Manhattan)
bb. Darryl Rodney-Scott (Manhattan)
cc. Raul Marrero (Manhattan)
dd. Dave Marrero (Manhattan)
ee. Elijah Barrow (Manhattan)
ff. Jose Gonzalez (Manhattan)
gg. Jonathan Stoll (Staten Island)
hh. Anthony McGill (Staten Island)
ii. Jeremie Opio (Staten Island)
jj. Jaiver Alvarez (Queens)
kk. Jeffrey Butler (Queens)
ll. Hiram Carerras (Queens)
mm. Danny Casillas (Queens)
nn. Troy Navarro (Queens)
oo. Richard Perez (Queens)
pp. Edwin Roman (Queens)
qq. Julian Small (Queens)
rr. Richard Torres (Queens)
ss. Terrence Mahoney (Queens)
tt. Akeen Vereen (Queens)
uu. Joel Marizan (Brooklyn)
vv. Joel Vargas (Brooklyn)
ww. Diego Sangurima (Brooklyn)
xx. Alvin Lowe (Brooklyn)
yy. Michael Davitt (Brooklyn)
zz. Michael Silverberg (Brooklyn)
aaa. Jose Hernandez (Brooklyn)
bbb. Othello Muckle (Brooklyn)
ccc. John Pinna (Brooklyn)

2. As shown on the official Voter List, no mail ballots from any of the above-listed employees was counted at the November 12, 2015 ballot count.

3. Based on the Region 29 office's receipt of thirty (30) ballots during the week of November 4-November 12, 2015, the Employer reasonably believes it would also be able to present evidence that, since November 12, 2015, the Region 29 office has continued to receive timely mailed ballots mailed by the above-listed (and perhaps additional) eligible voters.

Discussion

The above-listed employees mailed their ballots at a time when they could reasonably anticipate timely receipt by the Board through the normal course of the mails. It is notable that the Brooklyn-based Region 29 office received proportionally far more ballots from Manhattan and Brooklyn work location voters than those mailed by voters working in the other boroughs and Long Island. For example, 55% of all Manhattan eligible voters' ballots were counted and 45% of all Brooklyn eligible voters' ballots were counted, while only 14% of Bronx and Queens voters' ballots were counted. Ballots were counted from just 19% of Suffolk voters, 29% of Nassau voters, and 33% of Staten Island voters. Thus, it appears that the ballots from nearby Brooklyn and Manhattan voters were far more likely to have arrived in a timely manner than those from voters in other Premier work locations.

Accordingly, conduct over which the above-listed employees had no control permanently and impermissibly disenfranchised them. "[I]t behooves the Board 'to afford employees the broadest possible participation in the Board elections' as long as 'the election procedures are not unduly interfered with or hampered.'" *Kerrville Bus Co.*, 257 NLRB 176, 177 (1981). In this case, counting late-arriving ballots would not unduly interfere with or

hamper the election procedures, particularly where, as here, there are challenged ballots sufficient to determine the outcome of the election and, thus, no final election determination could be made based on the information currently available.

Moreover, since more employees timely mailed ballots that have not been counted than have been counted, the risk of disenfranchisement is particularly acute. In *Queen City Paving Co.*, 243 NLRB 71, 73 (1979), the Board held that “a party’s failure to meet a deadline for the filing of some matter may be excused if there is a showing that he mailed the matter at a time when he could reasonably anticipate its timely receipt. [Employee’s] ballot was postmarked 3 days prior to the closing time for mailing ballots. It was reasonable for [employee] to assume that, in the normal course of the mails, his ballot would be received by the Regional Director prior to the closing date.” In that case, just one ballot was affected; this rationale is far more compelling here, given that the Region 29 office did not receive nearly two-thirds of the timely cast ballots.

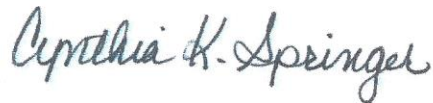
A situation similar to this (but less egregious) has occurred before, and the Region counted the mail ballots well after the original mail ballot count. On March 23, 2011, USIC’s North Carolina locate technicians filed a petition to decertify CWA in Case No. 11-RD-000732. CWA filed blocking charges, which delayed the election. On September 13, 2011, Region 11 mailed ballots to eligible voters and on September 28, 2011, the Region counted the 109 received mail ballots. At the ballot count, USIC challenged two ballots, which were outcome determinative, and, during preparation for a hearing on the challenged ballots approximately one year later (following remand from the Board), the NLRB SubRegion 11 office found six (6) timely and properly submitted mail ballots in its safe, which had not been counted during the original ballot count. On October 19, 2012, Region 11 counted those ballots, which showed that

a majority had voted to decertify CWA, regardless of the determination on the challenged ballots. Therefore, on October 29, 2012, more than a year after the original mail ballot date, the Certification of Result issued. While Region 11 was unable to determine why additional timely uncounted mail ballots were in the safe a year after the original mail ballot count, they did determine that it was appropriate to count those ballots, and they did so.

Accordingly, the Employer requests that the Regional Director (a) immediately order that late-received ballots will be counted for a reasonable period that allows for receipt of the remaining timely mailed ballots, or (b) immediately order that the election be set aside and a new election set, preferably by manual ballot, or (c) allow the Employer to present the above-specified evidence in support of its Objection to Conduct Affecting Results of Election.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP



By: _____
Cynthia K. Springer

300 North Meridian Street
Suite 2700
Indianapolis, IN 46204

Attorneys for Premier Utility Services, LLC,
A Wholly Owned Subsidiary of
USIC Locating Services, LLC

R. Exh. 4

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

**PREMIER UTILITY SERVICES, LLC, A
WHOLLY OWNED SUBSIDIARY OF USIC
LOCATING SERVICES, LLC
Employer**

and

Case 29-RC-159452

**COMMUNICATION WORKERS OF AMERICA
LOCAL 1101**

Petitioner

STIPULATION

On October 2, 2015¹ the Regional Director for Region 29 issued a Decision and Direction of Election in the above-referenced case in which he directed a mail ballot election. The ballots were mailed from the Regional Office on October 20. The Direction of Election specified that in order to be valid and counted, the returned ballots had to be received by close of business on November 4. The count of ballots was scheduled for November 5 at 11:00 a.m. at the Regional Office.

On November 5, the Region had received 4 return ballots. The parties agreed to postpone the count until November 12.

On November 12, the Region opened and counted 30 valid return ballots. The tally of ballots was 17 votes for the Petitioner, 13 votes against the Petitioner, and there were 4 unopened challenged ballots. The four challenged ballots belonged to Randy Headley, Alison Johnson, Jonnattan Toribio and James McCoy. Randy Headley and Alison Johnson are employed by the Employer as part-time locate technicians. Jonnattan Toribio is employed by the Employer as a quality assurance coordinator. These individuals work in classifications which were directed to vote subject to challenge and the eligibility or inclusion of these classifications in the unit would be resolved, if necessary, following the election. James McCoy is employed by the Employer as a shallow fibre inspector. His name was not on the voter list.

On November 17, the Employer filed timely objections to the election alleging that voters were permanently and impermissibly disenfranchised.

On November 20, the Regional Director issued a Decision on Challenges and Objections and Notice of Hearing, overruling the Employer's objections and setting a hearing for December

¹ All dates are 2015 unless otherwise indicated.

3 regarding the eligibility of Randy Headley, Alison Johnson, Jonnattan Toribio and James McCoy.

The parties now agree to amend the unit description to include part-time locate technicians, quality assurance technicians and shallow fibre technicians. The unit is now:

All full-time and regular part-time locate technicians, locate helpers, cast iron technicians, quality assurance coordinators and shallow fibre technicians employed by the Employer, who perform work within the five boroughs of New York City, Nassau and Suffolk Counties and the Far Rockaway peninsula, but excluding all other employees and guards and supervisors as defined by the Act.

The parties agree that the ballots of Randy Headley, Alison Johnson, Jonnattan Toribio and James McCoy will be opened on December 3 at Region 29. A revised Tally of Ballots will then be issued to the parties.

Petitioner, CWA Local 1101

Employer, Premier Utility Services, LLC, a wholly owned subsidiary of USIC Locating Services, LLC

/s/ Bruce Cooper 12/2/15
(name) (date)

/s/ Cynthia Springer 12/2/15
(name) (date)

Approved:

James G. Paulsen 12/2/15
James G. Paulsen
Regional Director, Region 29
National Labor Relations Board

R. Exh. 5

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

PREMIER UTILITY SERVICES, LLC, A WHOLLY OWNED
SUBSIDIARY OF USIC LOCATING SERVICES, LLC

Employer

and

COMMUNICATION WORKERS OF AMERICA LOCAL 1101

Petitioner

Case No. 29-RC-159452

Date Issued 11/12/15

TYPE OF ELECTION: (Check one:)

☐ Consent Agreement

☐ Stipulation

☐ Board Direction

☒ RD Direction

(Also check box below
where appropriate)

☐ 8(b) (7)

REVISED TALLY OF BALLOTS

(Counting of Challenged Ballots)

The undersigned agent of the Regional Director certifies that the results of counting the challenged ballots directed to be counted by the Regional Director, Region 29, on Thursday, December 3, 2015, and the addition of these ballots to the original Tally of Ballots, executed on November 12, 2015, were as follows:

	Original Tally	Challenged Ballots Counted	Final Tally
Approximate number of eligible voters	101		
Number of Void ballots	2		
Number of Votes cast for <u>Petitioner</u>	17	3	20
Number of Votes cast for			
Number of Votes cast for			
Number of Votes cast against participating labor organization(s)	13	1	14
Number of Valid votes counted	30		34
Number of undetermined challenged ballots	4		
Number of Valid votes counted plus challenged ballots	34		34
Number of Sustained challenges (voters ineligible)			

The remaining undetermined challenged ballots, if any, shown in the Final Tally column are (not) sufficient to affect the results of the election. A majority of the valid votes plus challenged ballots as shown in the Final Tally column has (not) been cast for Petitioner.

Communication Workers of America Local 1101

For the Regional Director

[Signature] 12/13/15

The undersigned acted as authorized observers in the counting and tabulating of ballots indicated above. We hereby certify that this counting and tabulating, and the compilation of the Final Tally, were fairly and accurately done, and that the results were as indicated above. We also acknowledge service of this Tally.

For EMPLOYER

[Signature]

For PETITIONER

[Signature]

For

For

R. Exh. 6

Springer, Cynthia K.

From: Walters, Kimberly <Kimberly.Walters@nlrb.gov>
Sent: Monday, December 07, 2015 11:32 AM
To: Springer, Cynthia K.
Subject: RE: 29-RC-159452 Premier Utility Services - response to subpoena request

Follow Up Flag: Follow up
Flag Status: Flagged

The Region's practice is to time stamp documents when they are received by the office.

From: Springer, Cynthia K. [mailto:Cynthia.Springer@FaegreBD.com]
Sent: Monday, December 07, 2015 10:47 AM
To: Walters, Kimberly
Subject: RE: 29-RC-159452 Premier Utility Services - response to subpoena request

Kimberly,

Can you tell me if you kept track of when the Regional office received each of the late-received ballot envelopes? I would like that information and understand that I would have to address the request to the FOIA office, but I don't want to waste my time requesting it if you did not track it.

Regards,
Cindy

Cynthia K. Springer

Partner

cynthia.springer@FaegreBD.com Download vCard
D: +1 317 237 1328 | M: +1 317 753 8789 | F: +1 317 237 8428

Faegre Baker Daniels LLP

300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA
Connect: [LinkedIn](#)

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From: Walters, Kimberly [mailto:Kimberly.Walters@nlrb.gov]
Sent: Monday, December 07, 2015 10:35 AM
To: Springer, Cynthia K.
Subject: RE: 29-RC-159452 Premier Utility Services - response to subpoena request

Cindy,

The Regional Director has considered your request for information. He has authorized me to give you the following information:

The Region received 58 ballots after the November 12, 2015 count. Of those 58, 48 ballot envelopes had postmarks prior to November 4, 2015. 7 envelopes had illegible or no postmark. 3 ballot envelopes were postmarked after November 4, 2015.

Any request for additional information or documents should be made through the Agency's FOIA office in Washington, DC.

Kimberly

Kimberly A. Walters

National Labor Relations Board, Region 29
Two MetroTech Center, Suite 5100
Brooklyn, New York 11201-3838
(p) 718-330-2844 | (f) 718-330-7579
kimberly.walters@nrlrb.gov

From: Springer, Cynthia K. [<mailto:Cynthia.Springer@FaegreBD.com>]
Sent: Friday, December 04, 2015 11:12 AM
To: Walters, Kimberly
Subject: RE: 29-RC-159452 Premier Utility Services - response to subpoena request

Kimberly,
Please see attached request for information. Please forward to Regional Director Paulsen.
Thank you.
Regards,
Cindy

Cynthia K. Springer

Partner

cynthia.springer@FaegreBD.com Download vCard
D: +1 317 237 1328 | M: +1 317 753 8789 | F: +1 317 237 8428

Faegre Baker Daniels LLP

300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA
Connect: [LinkedIn](#)

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Thank you.

From: Walters, Kimberly [<mailto:Kimberly.Walters@nrlrb.gov>]
Sent: Friday, December 04, 2015 8:28 AM
To: Springer, Cynthia K.
Subject: RE: 29-RC-159452 Premier Utility Services - response to subpoena request

You can send it to me and I'll forward it to him.

From: Springer, Cynthia K. [<mailto:Cynthia.Springer@FaegreBD.com>]
Sent: Thursday, December 03, 2015 4:50 PM
To: Walters, Kimberly
Subject: RE: 29-RC-159452 Premier Utility Services - response to subpoena request

Kimberly,
Should I direct my request for information to him or to you?
Regards,
Cindy

Cynthia K. Springer

Partner

cynthia.springer@FaegreBD.com [Download vCard](#)

D: +1 317 237 1328 | M: +1 317 753 8789 | F: +1 317 237 8428

Faegre Baker Daniels LLP

300 N. Meridian Street | Suite 2700 | Indianapolis, IN 46204, USA

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From: Walters, Kimberly [<mailto:Kimberly.Walters@nlr.gov>]

Sent: Thursday, December 03, 2015 11:45 AM

To: Springer, Cynthia K.

Subject: 29-RC-159452 Premier Utility Services - response to subpoena request

Cindy,

Attached is a letter from the Regional Director regarding your subpoena request. He did say that if you need any information from the Region for your Request for Review to the Board, he will consider your request, but it just cannot be done via subpoena.

Kimberly

Kimberly A. Walters

National Labor Relations Board, Region 29

Two MetroTech Center, Suite 5100

Brooklyn, New York 11201-3838

(p) 718-330-2844 | (f) 718-330-7579

[Download vCard](#)

Cynthia K. Springer
Partner
cynthia.springer@FaegreBD.com
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Mobile +1 317 753 8789

Faegre Baker Daniels LLP
300 North Meridian Street ▼ Suite 2700
Indianapolis ▼ Indiana 46204-1750
Phone +1 317 237 0300
Fax +1 317 237 1000

December 4, 2015

VIA ELECTRONIC MAIL TO KIMBERLY WALTERS
(KIMBERLY.WALTERS@NLRB.GOV)

James G. Paulsen
Regional Director, Region 29
National Labor Relations Board
Two Metro Tech Center
Brooklyn, NY 11201

Re: Premier Utility Services, LLC a wholly owned subsidiary of USIC Locating Services, LLC and
Communication Workers of America Local 1101
Case Nos. 29-RC-159452 and 29-RC-159545

Dear Regional Director Paulsen:

To assist Premier Utility Services, LLC ("Premier") in preparing its Request for Review of your November 20, 2015 Supplemental Decision on Challenges and Objections and Notice of Hearing, Premier requests the following documents or information in the above-referenced cases:

1. A listing of each ballot envelope the Region 29 office received by the original November 5, 2015 ballot count date, including the ballot envelope number, ballot envelope voter name, whether the ballot was signed, whether the ballot envelope was a duplicate, the ballot envelope postmark date and place, and the date the Region 29 office received the ballot envelope, if known. Alternatively, we request a clear photocopy of the front and back of each of the ballot envelopes that the Region 29 office received by the original November 5, 2015 ballot count date and the date the Region 29 office received each of those ballot envelopes, if known.
2. A listing of each ballot envelope the Region 29 office received by the November 12, 2015 ballot count, including the ballot envelope number, ballot envelope voter name, whether the ballot envelope was signed, whether the ballot envelope was a duplicate, whether the ballot was counted, the ballot envelope postmark date and place, and the date the Region 29 office received each ballot envelope, if known. Alternatively, we request a clear photocopy of the front and back of each of the ballot envelopes that the Region 29 office received by the November 12, 2015 ballot count and the date the Region 29 office received each of those ballot envelopes, if known.

3. A listing of each ballot envelope the Region 29 office has received since the November 12, 2015 ballot count, including the ballot envelope number, ballot envelope voter name, whether the ballot envelope was signed, whether the ballot envelope was a duplicate, the ballot envelope postmark date and place, and the date the Region 29 office received each ballot envelope, if known. Alternatively, we request a clear photocopy of the front and back of each of the ballot envelopes that the Region 29 office received after the November 12, 2015 ballot count and the date the Region 29 office received each of those ballot envelopes, if known.

4. A clear photocopy of the voter list used at the November 12, 2015 ballot count on which the ballots counted were recorded.

Thank you in advance for your cooperation. Please let me know if you have any questions concerning any of these requests.

Very truly yours,

FAEGRE BAKER DANIELS LLP

A handwritten signature in cursive script that reads "Cynthia K. Springer".

Cynthia K. Springer

R. Exh. 7

Springer, Cynthia K.

From: admin@nlrb.gov on behalf of NLRB FOIA Team <efoia@nlrb.gov>
Sent: Monday, December 07, 2015 12:31 PM
To: Springer, Cynthia K.
Subject: FOIA Request Submitted

Submitted on Monday, December 7, 2015 - 12:30 Submitted by user: Anonymous

Submitted values are:

Fee Amount: Whatever fees are incurred\$

Special Fee Category: Party to Representation Case (Employer) Documents Requested List:

Cases 29-RC-159452 and 29-RC-159545. The Employer requests the following for the purpose of supporting its Request for Review and, thus, requests expedited processing of this request:

1. A listing of each ballot envelope the Region 29 office received by the original November 5, 2015 ballot count date, including the ballot envelope number, ballot envelope voter name, whether the ballot was signed, whether the ballot envelope was a duplicate, the ballot envelope postmark date and place, and the date the Region 29 office received the ballot envelope, if known. Alternatively, we request a clear photocopy of the front and back of each of the ballot envelopes that the Region 29 office received by the original November 5, 2015 ballot count date and the date the Region 29 office received each of those ballot envelopes, if known.
2. A listing of each ballot envelope the Region 29 office received by the November 12, 2015 ballot count, including the ballot envelope number, ballot envelope voter name, whether the ballot envelope was signed, whether the ballot envelope was a duplicate, whether the ballot was counted, the ballot envelope postmark date and place, and the date the Region 29 office received each ballot envelope, if known. Alternatively, we request a clear photocopy of the front and back of each of the ballot envelopes that the Region 29 office received by the November 12, 2015 ballot count and the date the Region 29 office received each of those ballot envelopes, if known.
3. A listing of each ballot envelope the Region 29 office has received since the November 12, 2015 ballot count, including the ballot envelope number, ballot envelope voter name, whether the ballot envelope was signed, whether the ballot envelope was a duplicate, the ballot envelope postmark date and place, and the date the Region 29 office received each ballot envelope, if known. Alternatively, we request a clear photocopy of the front and back of each of the ballot envelopes that the Region 29 office received after the November 12, 2015 ballot count and the date the Region 29 office received each of those ballot envelopes, if known.
4. A clear photocopy of the voter list used at the November 12, 2015 ballot count on which the ballots counted were recorded.

Your Name: Cynthia Springer

Your Organization, if any: Faegre Baker Daniels LLP Address Line 1: 300 North Meridian Street Suite 2700 Address Line 2:

City: Indianapolis

Province:

State: Indiana

Zip/Postal Code: 46204

Country: USA

Email Address: cynthia.springer@faegrebd.com Telephone Number: 317-237-1328 FAX Number: 317-237-8428

R. Exh. 8

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 29**

**PREMIER UTILITY SERVICES, LLC,
A WHOLLY OWNED SUBSIDIARY OF USIC
LOCATING SERVICES, LLC**

Employer

Case 29-RC-159452

and

**COMMUNICATION WORKERS OF AMERICA
LOCAL 1101**

Petitioner

TYPE OF ELECTION: RD DIRECTED

CERTIFICATION OF REPRESENTATIVE

An election has been conducted under the Board's Rules and Regulations. The Tally of Ballots shows that a collective-bargaining representative has been selected. No timely objections have been filed.

As authorized by the National Labor Relations Board, it is certified that a majority of the valid ballots has been cast for

COMMUNICATION WORKERS OF AMERICA LOCAL 1101

and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

Unit: All full-time and regular part-time locate technicians, locate helpers, cast iron technicians, quality assurance coordinators and shallow fibre technicians employed by the Employer, who perform work within the five boroughs of New York City, Nassau and Suffolk Counties and the Far Rockaway peninsula, but excluding all other employees and guards and supervisors as defined by the Act.



December 14, 2015

/s/

JAMES G. PAULSEN
Regional Director, Region 29
National Labor Relations Board

R. Exh. 9



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

December 23, 2015

Cynthia Springer
Faegre Baker Daniels LLP
300 North Meridian Street
Suite 2700
Indianapolis, IN 46204

Re: FOIA ID: LR-2016-0445

Dear Ms. Springer:

This is our final response to your electronic request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated and received in this Office on December 7, 2015, in which you seek copies of the ballot envelopes received by Region 29 in Case Nos. 29-RC-159452 and 29-RC-159545 as well as a copy of the voter list used at the November 12, 2015 ballot count on which the ballots counted were recorded. Your request for expedited processing is granted.

An interim response email was sent to you on December 18, 2015.

The responsive records, consisting of seven pages as well as copies of approximately 92 ballot envelopes, are being withheld in their entirety pursuant to Exemptions 6, 7(A), and 7(C) of the FOIA, for the reasons set forth below. 5 U.S.C. § 552(b)(6), (b)(7)(A), and (b)(7)(C). Your request is, therefore, denied.

As an initial matter, the documents encompassed by your request, which are part of investigative files in open cases, are privileged from disclosure pursuant to Exemption 7(A) of the FOIA. 5 U.S.C. § 552(b)(7)(A). Exemption 7(A) of the FOIA allows an agency to withhold records included in an open investigatory file where disclosure could reasonably be expected to interfere with enforcement proceedings. Documents contained in a representation case file are considered information compiled for law enforcement purposes because representation cases are aimed at enforcement of the National Labor Relations Act. *Wellman Industries, Inc. v. National Labor Relations Board*, 490 F.2d 427, 430 (4th Cir. 1974). As you are aware, the cases referenced above are open.

Exemption 6 of the FOIA permits agencies to withhold information about individuals contained in "personnel and medical and similar files" where the disclosure of the information "would constitute a clearly unwarranted invasion of personal privacy."

5 U.S.C. § 552(b)(6). The "files" requirement covers all information that "applies to a particular individual." *U.S. Dep't of State v. Wash. Post Co.*, 456 U.S. 595, 601-02 (1982).

Exemption 7(C) permits agencies to withhold information compiled for law enforcement purposes where disclosure of the information "could reasonably be expected to constitute an unwarranted invasion of personal privacy." 5 U.S.C. § 552(b)(7)(C).

Individuals named in a law enforcement investigation, including third parties mentioned in investigatory files, have such a privacy interest. See *Rugiero v. Dep't of Justice*, 257 F.3d 534, 552 (6th Cir. 2001); *Nation Magazine v. U.S. Customs Serv.*, 71 F.3d 885, 894 (D.C. Cir. 1995); *Van Bourg, Allen, Weinberg & Roger v. NLRB*, 751 F.2d 982, 985 (9th Cir. 1985).

Both Exemptions 6 and 7(C) require the balancing of the individual right to privacy against the public's right to disclosure. The kind of public interest involved is information that if disclosed would "shed . . . light on an agency's performance of its statutory duties." *U.S. Dep't of Justice v. Reporters Comm. for the Freedom of the Press*, 489 U.S. 749, 773 (1989). The Supreme Court, in *NARA v. Favish*, 541 U.S. 157, *reh'g denied*, 541 U.S. 1057 (2004), explained:

First, the citizen must show that the public interest sought to be advanced is a significant one, an interest more specific than having the information for its own sake. Second, the citizen must show the information is likely to advance that interest. Otherwise, the invasion of privacy is unwarranted.

541 U.S. at 172. You have not submitted any rationale which would support your burden to show the public interest in disclosure of such private information. The information is therefore exempt from disclosure under Exemptions 6 and 7(C). Accordingly, your request is denied.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests "from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation." NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you "will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought." 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges for all categories of requesters are: \$3.10 per quarter-hour or portion thereof of clerical time; \$9.25 per quarter-hour or portion thereof of professional time; and 12¢ per page of photoduplication. 29 C.F.R. § 102.117(d)(2)(i).

One-quarter hour of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$9.25.

To pay this amount by check or money order (do not send cash) please submit your payment along with the invoice to the NLRB's Finance Branch at the address reflected at the top of the invoice. Please make the check or money order payable to the National Labor Relations Board and note on your payment the invoice number to insure that your payment will be properly credited. You may also submit your payment by credit or debit card over the internet by following the instructions I have attached.

You may obtain a review of this determination under the provisions of the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an appeal with the Division of Legal Counsel, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C., 20570, within 28 calendar days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Thus, the appeal must be received by the close of business at 5:00 p.m. (ET) on January 20, 2016. Any appeal should contain a complete statement of the reasons upon which it is based. Should you have questions concerning this letter, you may contact Jolynne Miller, FOIA Supervisor, at (202) 273-1088 or by email at Jolynne.Miller@nrlb.gov.

Sincerely,

/s/ Deirdre MacNeil

Deirdre MacNeil
Freedom of Information Act Officer

cc: Director, Region 29